

Considerations for Residential Property Owners

Before making significant alterations to a residential property, it is important to first answer several questions:

1. Are wetland and/or stream resources present within the work area?
2. If present, will resources be impacted by the proposed activities?
3. If so, is a VWP Permit or other authorization needed prior to conducting the activity?

A review of property records (deed, title, plat, etc.), county maps, and/or subdivision plans, if applicable, may help determine if surface waters are present on a subject property. In some situations, property owners may need to hire an environmental consultant or contact the U.S. Army Corps of Engineers for a jurisdictional wetland determination. Projects involving land disturbance may also require a Virginia Stormwater Management Program Permit from the Virginia Department of Conservation & Recreation (DCR) and/or other locality permits.

The DEQ Permit Expert (<http://www.deq.virginia.gov/permitexpert/>) can help property owners determine whether a DEQ permit is needed for the proposed activity. Property owners can also contact the applicable DEQ Regional Office (<http://www.deq.virginia.gov/regions/homepage.html>) with any questions.



For More Information:

- Virginia DEQ Office of Wetlands and Water Protection: <http://www.deq.virginia.gov/wetlands>
- Code of Virginia § 62.1-44.15:20
Virginia Water Protection Permit:
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+62.1-44.15C20>
- Virginia Administrative Code § 9VAC25-210 Virginia Water Protection Permit Program Regulation:
<http://www.deq.virginia.gov/export/sites/default/wetlands/pdf/9VAC25-210-Final.pdf>
- Virginia DCR Virginia Stormwater Management Program Permits:
http://www.dcr.virginia.gov/soil_and_water/vsmp.shtml

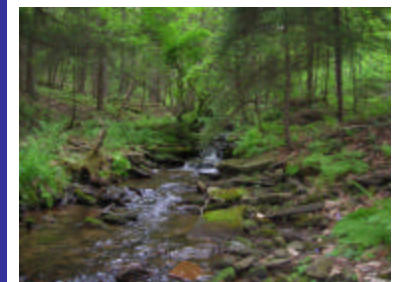
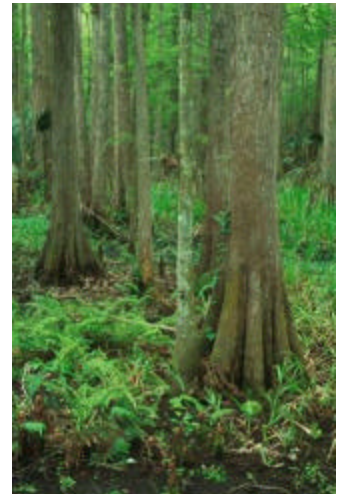


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Virginia Wetlands and Streams: A Guide for Residential Property Owners



The Importance of Virginia's Wetland and Stream Resources

Over 1 million acres of tidal and non-tidal wetlands are present in Virginia. Wetlands are among the most productive ecosystems in the world and are essential for protecting Virginia's water quality. The primary functions of wetlands include:

- Filtering nutrients, sediment, and pollutants from surface and ground water;
- Absorbing excess flood and rain water;
- Protecting shorelines from erosion; and
- Providing habitat to numerous plants and animals, nursery and hatchery areas for fish and shellfish, including species that are commercially harvested.

Likewise, streams are an essential part of the aquatic ecosystem that provide many important functions, including:

- Flood control, ground water recharge, and nutrient recycling;
- Biological diversity and productivity, including positively influencing downstream rivers and estuaries; and
- Habitat for plants, animals, and microbes, including shelter, food, protection, spawning and nursery areas, and travel corridors.

These essential qualities, as well as the importance of wetlands and streams to Virginia's economy, have resulted in the adoption of a

"no net loss" policy in regards to these resources. This means that the overall amount and quality of surface waters must be protected, and that impacts to these resources must be carefully managed. The Virginia Department of Environmental Quality administers the Virginia Water Protection (VWP) Permit Program, which regulates impacts to surface waters, including wetlands and streams, in order to protect their beneficial uses.

Regulated Activities

In general, the following activities in surface waters would require a VWP Permit and/or federal authorization:

- Dredging (removing or relocating sediment from surface waters);
- Filling (adding material to the bottom of surface waters);
- Discharging any pollutant into or adjacent to surface waters;
- Altering the physical, chemical, or biological properties of surface waters; and
- Any activities causing significant alteration or degradation to existing wetland acreage or functions.

With respect to streams, these types of activities would include:

- Installing culverts and bridges;
- Filling and/or relocating a stream channel;
- Channelizing;
- Placing rip-rap or other hardening on stream banks;



Stream channel within an agricultural field.

- Impounding (blocking or damming stream flow); and
- Piping (such as redirecting a stream into an underground stormwater system, placing a stream in a pipe to create a buildable area, etc.).

Exempt Activities

Certain activities, however, do not require a VWP permit, but may require other permits under state and federal law or county statutes. One important exclusion pertains to normal residential gardening, lawn, and landscape maintenance in a wetland. This is defined as ongoing noncommercial residential activities conducted by or on behalf of an individual occupant. Such activities include, but are not limited to:

- Mowing, planting, fertilizing, mulching, and tilling;
- Vegetation removal by hand or by hand tools; and
- Placement of decorative stone, fencing, and play equipment;

Other noncommercial activities may also be included, provided that they do not result in the conversion of a wetland to upland or to a different wetland type. For example, pruning of woody vegetation within a forested wetland would be permissible, but cutting down or removal of living trees would be prohibited.



Pickerelweed
(*Pontedaria cordata*)